

CUSTOMS AND BORDER PROTECTION REGULATORY PLAN 2009

Each Commonwealth agency that has responsibility for business regulation is required to publish a regulatory plan on its website early in each financial year. The regulatory plan deals with changes within the agency's area of responsibility.

What regulation does this regulatory plan cover?

This regulatory plan consists of two distinct types of entries:

- information about changes to business regulation which occurred in the previous financial year; and
- information about activities planned for the forthcoming financial year which could lead to changes in business regulation.

“Business regulation” includes primary legislation, subordinate legislation, quasi-regulation or treaties which have medium business compliance costs or a significant impact on business and individuals or the economy.

Quasi-regulation refers to rules or arrangements where governments influence businesses to comply, but which do not form part of explicit government regulation.

The following is a list of some of the types of activity, which are included:

- policy development processes aimed at finding a way to address a particular problem or achieve an objective where regulation is likely to be one of the options under consideration;
- development of the Government response to a report or inquiry, especially where regulatory change has been put forward as a possibility;
- review of a piece of legislation;
- sunset legislation;
- implementation of election promises or government undertakings; and
- legislation in the process of drafting, where consultation is still being undertaken.

The following is a list of some of the types of activity, which are not included:

- regulations that are likely to have no or a low impact on business and individuals or the economy;
- regulations that involve consideration of specific Government purchases;
- regulations of a state or self-governing territory that apply in a non-self governing territory;
- anticipated activity about which it would be inappropriate to publish information.

In addition, there may be regulatory activities undertaken during the next financial year which have not been included in a regulatory plan because they could not be foreseen when the plan was prepared at the start of the financial year.

In view of these exclusions, users should not take a regulatory plan to be a comprehensive source of information on past or potential changes to business regulation.

Customs and Border Protection regulatory plan

A number of agencies have policy responsibility for regulatory activities that result in amendments to the *Customs (Prohibited Imports) Regulations 1956* and the *Customs (Prohibited Exports) Regulations 1958*. The Customs and Border Protection regulatory plan does not include planned regulatory activities that are the sole policy responsibility of another agency.

The regulatory plans for the following agencies are also relevant in relation to planned regulatory activities, which may result in amendments to Customs and Border Protection legislation:

- Australian Federal Police
- Attorney-General's Department
- Department of Agriculture, Fisheries and Forestry
- Department of Education, Employment and Workplace Relations
- Department of Health and Ageing
- Department of Innovation, Industry, Science and Research
- Department of the Treasury
- Department of Infrastructure, Transport, Regional Development and Local Government
- Department of the Environment, Water, Heritage and the Arts
- Department of Defence
- Department of Immigration and Citizenship
- Great Barrier Reef Marine Park Authority
- Australian Maritime Safety Authority
- Australian Fisheries Management Authority

How up to date is information in this regulatory plan?

This regulatory plan was last updated in July 2009.

All correspondence in relation to this regulatory plan should be forwarded to the Manager Legislation Management at the following address:

**Australian Customs and Border Protection Service
5 Constitution Ave
CANBERRA ACT 2601**

Past regulatory change

Type of entry	Past regulatory change
Title	<i>Customs (Chilean Rules of Origin) Regulations 2008</i>
Description of issue	This amendment implemented the Australia-Chile Free Trade Agreement.
Date of effect	6 March 2009
Contact details	Rob Moore, Manager, Legislation Management Unit Ph (02) 6275 6129 Email – robert.moore1@customs.gov.au

Type of entry	Past regulatory change
Title	<i>Customs (Prohibited Exports) Amendment Regulations 2008 (No.2)</i>
Description of issue	This amendment repealed export prohibitions in relation to Rwanda in line with the lifting of United Nations Security Council sanctions.
Date of effect	2 September 2008
Contact details	Rob Moore, Manager, Legislation Management Unit Ph (02) 6275 6129 Email – robert.moore1@customs.gov.au

Type of entry	Past regulatory change
Title	<i>Customs (Prohibited Imports) Amendment Regulations 2008 (No.5)</i>
Description of issue	This amendment removed controls for the importation of electronic dog collars.
Date of effect	2 December 2008
Contact details	Rob Moore, Manager, Legislation Management Unit Ph (02) 6275 6129 Email – robert.moore1@customs.gov.au

Past regulatory change

Type of entry	Past regulatory change
Title	<i>Customs (Prohibited Imports) Amendment Regulations 2008 (No.6)</i>
Description of issue	This amendment changed requirements for imports of ammunition magazines for fully automatic firearms and tightened the control on military style weapons.
Date of effect	16 December 2008
Contact details	Rob Moore, Manager, Legislation Management Unit Ph (02) 6275 6129 Email – robert.moore1@customs.gov.au

Type of entry	Past regulatory change
Title	<i>Customs (Prohibited Imports) Amendment Regulations 2008 (No.7)</i>
Description of issue	This amendment implemented import controls for certain incandescent light bulbs
Date of effect	1 February 2009
Contact details	Rob Moore, Manager, Legislation Management Unit Ph (02) 6275 6129 Email – robert.moore1@customs.gov.au

Type of entry	Past regulatory change
Title	<i>Customs (Thailand-Australia Free Trade Agreement) Amendment Regulations 2008 (No.1)</i>
Description of issue	This amendment reflected changes to the Thailand-Australia Free Trade Agreement resulting from changes to the Harmonized Commodity Description and Coding System
Date of effect	Commenced upon notification in the Gazette by the Minister for Home Affairs
Contact details	Rob Moore, Manager, Legislation Management Unit Ph (02) 6275 6129 Email – robert.moore1@customs.gov.au

Past regulatory change

Type of entry	Past regulatory change
Title	<i>Customs Amendment Regulations 2008 (No.5)</i>
Description of issue	This amendment removed goods exported to Rwanda from being UN-sanctioned goods following the lifting of United Nations Security Council Sanctions
Date of effect	2 September 2008
Contact details	Rob Moore, Manager, Legislation Management Unit Ph (02) 6275 6129 Email – robert.moore1@customs.gov.au

Type of entry	Past regulatory change
Title	<i>Customs Amendment Regulations 2008 (No.6)</i>
Description of issue	This amendment included Marine Saddles as goods in respect of which a Tariff Concession Order can be made
Date of effect	2 December 2008
Contact details	Rob Moore, Manager, Legislation Management Unit Ph (02) 6275 6129 Email – robert.moore1@customs.gov.au

Type of entry	Past regulatory change
Title	<i>Customs Amendment Regulations 2008 (No.7)</i>
Description of issue	This amendment prescribed a list of goods to which the post importation permission regime applies
Date of effect	12 January 2009
Contact details	Rob Moore, Manager, Legislation Management Unit Ph (02) 6275 6129 Email – robert.moore1@customs.gov.au

Type of entry	Past regulatory change
Title	<i>Customs Amendment Regulations 2008 (No.8)</i>
Description of issue	This amendment implemented the Australia-Chile Free Trade Agreement
Date of effect	6 March 2009
Contact details	Rob Moore, Manager, Legislation Management Unit Ph (02) 6275 6129 Email – robert.moore1@customs.gov.au

Past regulatory change

Type of entry	Past regulatory change
Title	<i>Customs Administration Amendment Regulations 2009 (No. 1)</i>
Description of issue	This amendment included a number of new Commonwealth, State and International agencies as entities to which permitted information may be disclosed under section 16 of the <i>Customs Administration Regulations</i>
Date of effect	16 May 2009
Contact details	Rob Moore, Manager, Legislation Management Unit Ph (02) 6275 6129 Email – robert.moore1@customs.gov.au

Type of entry	Past regulatory change
Title	<i>Customs Amendment Regulations 2009 (No. 1)</i>
Description of issue	This amendment repealed from the <i>Customs Regulations</i> , regulations 70 through 74G (relating to the Manufacturing in Bond Scheme), regulation 104 (the continuing transire form) and paragraph 102(b) (the requirement to use Form 40 for clearance) as the amendments had become redundant
Date of effect	6 June 2009
Contact details	Rob Moore, Manager, Legislation Management Unit Ph (02) 6275 6129 Email – robert.moore1@customs.gov.au

Type of entry	Past regulatory change
Title	<i>Customs Amendment Regulations 2009 (No.2)</i>
Description of issue	This amendment inserted new impending arrival reporting timeframes for pleasure craft in line with subsection 64(5A) of the <i>Customs Amendment (Enhanced Border Controls and Other Measures) Act 2009</i>
Date of effect	11 July 2009
Contact details	Rob Moore, Manager, Legislation Management Unit Ph (02) 6275 6129 Email – robert.moore1@customs.gov.au

Past regulatory change

Type of entry	Past regulatory change
Title	<i>Customs (Prohibited Imports) Amendment Regulations 2009 (No.1)</i>
Description of issue	This amendment updated the definition of an “authorised person” in Regulation 5J to enable a statutory office holder to exercise the powers and functions afforded under this regulation
Date of effect	18 March 2009
Contact details	Rob Moore, Manager, Legislation Management Unit Ph (02) 6275 6129 Email – robert.moore1@customs.gov.au

Type of entry	Past regulatory change
Title	<i>Customs (Prohibited Imports) Amendment Regulations 2009 (No.2)</i>
Description of issue	This amendment implemented United Nations Security Council Resolution 1874, imposing tougher sanctions on the Democratic People’s Republic of Korea
Date of effect	11 July 2009
Contact details	Rob Moore, Manager, Legislation Management Unit Ph (02) 6275 6129 Email – robert.moore1@customs.gov.au

Type of entry	Past regulatory change
Title	<i>Customs Legislation Amendment (Name Change) Act 2009</i>
Description of issue	This Act amended the <i>Customs Administration Act 1985</i> to rename Customs as the Australian Customs and Border Protection Service in line with the Prime Minister’s National Security Statement delivered on 4 December 2008
Date of effect	23 May 2009
Contact details	Rob Moore, Manager, Legislation Management Unit Ph (02) 6275 6129 Email – robert.moore1@customs.gov.au

Type of entry	Past regulatory change
Title	<i>Customs Tariff Validation Act 2009</i>
Description of issue	This Act amended the <i>Customs Tariff Act 1995</i> to validate the previous collection of increased duty imposed on certain alcoholic beverages (‘alcopops’) under the <i>Customs Tariff Amendment (2009 Measures No.1) Bill</i>
Date of effect	14 May 2009
Contact details	Rob Moore, Manager, Legislation Management Unit Ph (02) 6275 6129 Email – robert.moore1@customs.gov.au

Past regulatory change

Type of entry	Past regulatory change
Title	<i>Customs Amendment (Enhanced Border Controls and Other Measures) Act 2009</i>
Description of issue	This Act amended the <i>Customs Act 1901</i> to enhance Customs and Border Protection's border controls
Date of effect	Sections 1 – 3, schedules 1, 2 and 15 commenced 22 May 2009 Schedules 3, 5 – 14, 16 and 17 commenced 19 June 2009 Schedule 4 shall commence upon proclamation
Contact details	Rob Moore, Manager, Legislation Management Unit Ph (02) 6275 6129 Email – robert.moore1@customs.gov.au

Type of entry	Past regulatory change
Title	<i>Customs Amendment (Australia-Chile Free Trade Agreement Implementation) Act 2008</i>
Description of issue	This Act amended the <i>Customs Act 1901</i> to implement the Australia-Chile Free Trade Agreement
Date of effect	Sections 1 – 3 commenced on 27 November 2008 Schedule 1 commenced on 6 March 2009
Contact details	Rob Moore, Manager, Legislation Management Unit Ph (02) 6275 6129 Email – robert.moore1@customs.gov.au

Type of entry	Past regulatory change
Title	<i>Customs Tariff Amendment (Australia-Chile Free Trade Agreement Implementation) Act 2008</i>
Description of issue	This Act amended the <i>Customs Tariff Act 1995</i> to implement the Australia-Chile Free Trade Agreement
Date of effect	Sections 1 – 3 commenced on 27 November 2008 Schedule 1 commenced on 6 March 2009
Contact details	Rob Moore, Manager, Legislation Management Unit Ph (02) 6275 6129 Email – robert.moore1@customs.gov.au

Future regulatory change

Type of entry	Anticipated regulatory change
Title	Customs Amendment (ASEAN - Australia - New Zealand Free Trade Agreement Implementation) Bill
Description of issue	This Bill will amend the <i>Customs Act 1901</i> to implement the ASEAN-Australia-New Zealand Free Trade Agreement
Consultation opportunities	Opportunities for consultation will be notified by Customs and Border Protection in the future
Expected timetable	Expected to be introduced in late 2009
Contact details	Rob Moore, Manager, Legislation Management Unit Ph (02) 6275 6129 Email – robert.moore1@customs.gov.au

Type of entry	Anticipated regulatory change
Title	Customs Tariff Amendment (ASEAN - Australia - New Zealand Free Trade Agreement Implementation) Bill
Description of issue	This Bill will amend the <i>Customs Tariff Act 1995</i> to implement the ASEAN-Australia-New Zealand Free Trade Agreement
Consultation opportunities	Opportunities for consultation will be notified by Customs and Border Protection in the future
Expected timetable	Expected to be introduced in late 2009
Contact details	Rob Moore, Manager, Legislation Management Unit Ph (02) 6275 6129 Email – robert.moore1@customs.gov.au

Type of entry	Anticipated regulatory change
Title	Customs Amendment (Export Controls) Bill
Description of issue	This Bill will amend the <i>Customs Act 1901</i> to strengthen Customs administrative and compliance capabilities within the export environment
Consultation opportunities	Consultation paper released in January 2008. It is expected that an exposure draft will be released prior to introduction
Expected timetable	Expected to be introduced in late 2009
Contact details	Rob Moore, Manager, Legislation Management Unit Ph (02) 6275 6129 Email – robert.moore1@customs.gov.au

Future regulatory change

Type of entry	Anticipated regulatory change
Title	Customs Depot Licensing Charges Amendment (Export Controls) Bill
Description of issue	This Bill will amend the <i>Customs Depot Licensing Charges Act 1997</i> to strengthen Customs administrative and compliance capabilities within the export environment
Consultation opportunities	Consultation paper released in January 2008. It is expected that an exposure draft will be released prior to introduction
Expected timetable	Expected to be introduced in late 2009
Contact details	Rob Moore, Manager, Legislation Management Unit Ph (02) 6275 6129 Email – robert.moore1@customs.gov.au

Type of entry	Anticipated regulatory change
Title	Customs Tariff Amendment Bill (No. 1)
Description of issue	This Bill will amend the <i>Customs Tariff Act 1995</i> to incorporate tariff alterations
Consultation opportunities	Opportunities for consultation will be notified by Customs and Border Protection in the future
Expected timetable	Expected to be introduced in late 2009
Contact details	Rob Moore, Manager, Legislation Management Unit Ph (02) 6275 6129 Email – robert.moore1@customs.gov.au

Type of entry	Anticipated regulatory change
Title	Customs Tariff Amendment (Schedule 4) Bill
Description of issue	This Bill will clarify and modernise certain concessional items in schedule 4 to the <i>Customs Tariff Act 1995</i>
Consultation opportunities	Opportunities for consultation will be notified by Customs and Border Protection in the future
Expected timetable	Expected to be introduced in 2010
Contact details	Rob Moore, Manager, Legislation Management Unit Ph (02) 6275 6129 Email – robert.moore1@customs.gov.au

Future regulatory change

Type of entry	Proposed regulatory change
Title	<i>Customs (Prohibited Imports) Amendment Regulations</i>
Description of issue	This amendment will prescribe a list of prohibited imports for the purposes of s209M of the Customs Act (the Surrender Scheme).
Consultation opportunities	Consultation has commenced.
Expected timetable	Expected to be introduced in 2010
Contact details	Sally Macourt, Passenger Policy Ph (02) 6275 8056 Email – sally.macourt@customs.gov.au

Type of entry	Proposed regulatory change
Title	<i>Customs (Prohibited Imports) Amendment Regulations</i>
Description of issue	Regulation amendment will prescribe prohibited imports for the purposes of 243ZF(a) of the Customs Act (the Infringement Notice Scheme).
Consultation opportunities	Consultation has commenced.
Expected timetable	Expected to be introduced in 2010
Contact details	Sally Macourt, Passenger Policy Ph (02) 6275 8056 Email – sally.macourt@customs.gov.au